

REC
MOLLY C
U.S. CO.United States Court of Appeals
for the Ninth Circuit

MAR

David Stebbins

Plaintiff

vs

Case No. 12-35082

Microsoft Corporation

Defendant

WITHDRAWAL OF SUPPLEMENTAL
BRIEFING

Comes now, pro se ~~Plaintiff~~ Appellant David Stebbins, who hereby submits the following ~~motion~~ notice of withdrawal of my supplemental briefing.

I did not know I was required to seek leave of court to file a supplemental briefing because I ~~did not~~ do not have ~~the~~ access to the 9th Circuit's local rules. This jail has no law library, and even if it did, it would probably only have rules and laws of the 8th Circuit. Remember, the doctrine that ignorance of the law excuses no one is justified on the grounds that the law is made available to everyone. But the law was not made available to me.

As a side note, I think the court is significantly overreacting to a simple mistake. Isn't it enough to simply not file the supplemental briefing? Why must you threaten to dismiss the case? It is not like I made this mistake twice! Is it really as serious as the Court claims it to be?

Wherefore, premises considered, I respectfully

pray that the mistake be forgiven.

David Stebbins
David Stebbins
5800 Law Dr.
Harrison, AR 72601



Molly C. Dwyer
Clerk of Court

Office of the Clerk
United States Court of Appeals for the Ninth Circuit
Post Office Box 193939
San Francisco, California 94119-3939
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February 24, 2012

To: David Anthony Stebbins

From: Molly C. Dwyer, Clerk of Court
By: Regine Ho, Deputy Clerk

Re: Receipt of a Deficient Brief of Appellant on 02/21/2012

USCA No. 12-35082 David Stebbins v. Microsoft

The supplemental brief cannot be filed for the following reason(s):

- *Motion to file supplemental brief required: Appellant has already submitted an opening brief on 02/06/2012. Supplemental briefs may only be filed with the Court's permission. **Please submit a motion requesting leave to file a supplemental brief.***
- *IFP Motion pending: There is a pending motion that must be decided before this brief can be filed.*
- *The case is held in abeyance per the Court's 02/01/2012 order.*

The following action has been taken with respect to the brief received in this office:

- *The deficiency by the appellant is judged to be serious. We cannot file your brief. The deficiency must be corrected within 14 days or the case is subject to dismissal pursuant to 9th Cir. R. 42-1. The receipt of a seriously defective brief in this office does not toll the time for filing the brief while the defect is being corrected.*

9th Cir. R. 42-1 provides:

When an appellant fails to file a timely record, pay the docket fee, file a

timely brief, or otherwise comply with rules requiring processing the appeal for hearing, an order may be entered dismissing the appeal. In all instances of failure to prosecute an appeal to hearing as required, the Court may take such other action as it deems appropriate, including imposition of disciplinary and monetary sanctions on those responsible for prosecution of the appeal.

When you submit corrections to your brief or a corrected brief, **please return a copy of this letter.** If you don't submit your correction within 14 days of this notice, you must file a motion for leave to file a late brief. *See* 9th Cir. R. 31-2.3 re: Extensions of time for filing brief.